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OBSERVATIONS on ILLEGITIMACY in the LONDON PARISHES of ST. MARYLEBONE, ST. PANCRA'S, and ST. GEORGE'S, SOUTHWARK, during the YEAR 1857; deduced from the Returns of the Registrar-General. By WILLIAM ACTON, Member of the Royal College of Surgeons, and Fellow of the Medico-Chirurgical and Statistical Societies.

[Read before the Statistical Society of London, 17th May, 1859.]

THERE are questions, and illegitimacy is one of them, from the consideration of which—whatever of disagreeable or repulsive the task may involve—the advocates of social progress must no longer shrink.

Social evils claim, as urgently, to be investigated and discussed as physical plague spots. It is conceded on all hands, even in what is termed "Society," that society itself, moved by public opinion, must take action against these evils if it be desirable to remedy them. Society has resolved upon abandoning the fictitious delicacy that was once a false film before its eyes and a lying curb upon its honest tongue, and no longer ignores them. I need hardly, therefore, apologize for introducing the subject of illegitimacy to the notice of a body whose self-imposed task and duty is the careful collection of what I may fairly call the raw material of truths. No social evil more constantly and obtrusively presents itself before us than ILLEGITIMACY, yet curiously enough it has no literature. I have looked through the lately published catalogue of our library, and failed to find mention of the word. With the exception of some few books relative to Foundling Hospitals, I experience the same plentiful lack of information when I consult the libraries of the Royal College of Surgeons and of the Royal Medico-Chirurgical Society. I would fain hope, however, that in future this subject will occupy its fair share of the attention of Statisticians, particularly when I state that in the year 1856, according to the Registrar-General's statistics, 42,651 illegitimate children were born in England and Wales; while in Scotland no less than 2,761 of them came into the world during 1858.

The following deductions are drawn from the unpublished returns of the Registrar-General. At my solicitation, Major Graham has, with his well-known good feeling, and I fear at considerable trouble to his staff, forwarded me an amended copy of the notes returned to his department, relating to the deaths of children under five years of age, being the offsprings of unmarried women during the year 1857. In this table, I find fully detailed the SEX of each infant, its AGE at death; the OCCUPATION of the mother; the IMMEDIATE

CAUSE of death; whether it took place in a WORKHOUSE; or whether AN INQUEST was held on it. From other sources I have been able to ascertain THE OCCUPATIONS OF THE FATHERS of 170 illegitimate children, as well as THE AGES OF THE MOTHERS. I have been at some pains to collect accurate information on THE ACTUAL WORKING OF THE PRESENT BASTARDY LAW, and I have pointed out its harassing bearing on the woman who would affiliate a child on its putative father, as well as its oppressive action on the ratepayers.

In commenting on the tables of VIOLENT DEATHS and on the INQUESTS that have been held on the bodies of illegitimate children, I have considered THE PUNISHMENTS NOW ATTENDING ON INFANTICIDE, and proved by the returns of the criminal statistics, that Judges, Juries, Secretaries of State (from extenuating circumstances which one and all are obliged to consider), rarely carry out the letter of the law. From these premises I argue that a complete revision of the whole Bastardy enactment is loudly called for.

In the course of my inquiries, I found that no child could be buried without a certificate from the district registrar; to obtain this the mother presents herself to that official, and her answers to certain questions are noted by him and handed in to the central office. Thus it became a mere matter of labour to ascertain the amount of mortality of illegitimate infants, by observing the number of entries in the name of the mother—not of the father. By this process I arrive at a total of 392 illegitimate children who died during the year 1857 in the three London parishes of Marylebone, St. Pancras, and St. George's, Southwark. No reasonable doubt can exist of the general accuracy of this first total, and I believe those that follow, having reference to the *sex* and *age* of the infants and the *occupations of their mothers and fathers*, will be found equally reliable.

THE SEX.—In looking over the tables, I found that there were 189 males and 203 females buried in the year 1857.

THE AGE AT DEATH.—The next fact to be ascertained was the age (between one week and one year) at which the greater proportion of the children die; to ascertain this, I made the annexed table:—

Age of Child.	Marylebone.	St. Pancras.	St. George's.	Total.
Under 1 week .....	12	10	9	31
Above 1 week and under 1 month .....	27	15	3	45
Under 3 months .....	53	35	22	110
" 6 .....	39	26	9	74
" 9 .....	14	11	2	27
" 1 year .....	24	13	2	39
Total .....	169	110	47	326

These figures show that out of 388 illegitimate children that died in 1857, the large proportion of 326 died before they were one year old. The most fatal period is found to be between the ages of one month and three months; during this 110 perished. The next fatal period is from the third to the sixth month, when disease carried off 74. If a child survives this dangerous epoch, it may probably live. The third period of greatest fatality is from birth to a month old; death seems to overtake few under a week old, and it would really appear, from these statistics, that notwithstanding all the misery of the mothers and the destitution they undergo, previous and subsequent to their confinement, the illegitimate child is born healthy, and would survive if the mother could *at the same time* nourish it and gain her livelihood. But I believe that the great mortality above shown to attend infants between the first and third months of their age, occurs either from their being put out to nurse and so losing the benefit of their natural nutriment, or from failure in the supply of breast milk through the destitution of the mother. Such a supposition appears borne out by the experience I acquire on all sides; and it is an important element in calculating the expectation of life of illegitimate children.

THE OCCUPATION OF THE MOTHER.—It will appear from the annexed table that among the known occupations of 339 mothers (of 1857) were the following:—

Occupations of Mother.	In Marylebone.	In St. Pancras.	In St. George's.	Total.
Gentlewomen .....	....	3	....	3
Domestic servants .....	81	82	31	194
Not stated .....	59	22	8	89
Dressmakers .....	14	10	9	33
Tradeworkers .....	....	5	11	16
Since married .....	2	2	....	4
Total .....	156	124	59	339

Domestic servants then figure most largely, for they amount in the above table to 194. The fact that a large proportion of the mothers of illegitimate children have been in service is very important, and shews us of how many unfortunates the reclamation by re-employment, in nursing or household work, is particularly in the hands of the Ladies of England.\*

\* I am well aware it may be retorted on me, that by thus advocating the system of the mothers of illegitimate children going out as wet-nurses, I am encouraging them to desert their own children, and thus further swelling the

In the second rank stand those whose occupation "is not stated," amounting to 89; then figure "dressmakers" 33; and lastly, girls who earn their livelihood by working in the various petty trades, such as "shoe binding," "flower making," &c., amounting to 16. In looking over the lists, I find the term "gentlewoman" occasionally set down as the occupation of the mother; "barmaids" not unfrequently figure there, as well as an occasional "ballet dancer," "farmer's daughter," "companion to a lady," and "housekeeper." And lastly, I beg especially to call attention to the fact, that the registrars of both Marylebone and St. Pancras have noticed that in four cases the father has married the mother since the birth of the child. This is very encouraging, as bearing out the opinion I have advanced elsewhere, that if the woman were cared for, these marriages would be much more common.

In prosecuting my inquiries, I have met with much corroborative evidence, bearing out opinions I have long since maintained, that marriage (within her degree) is the most natural, safe, and certain way in which the mother of an illegitimate child can be permanently assisted. I have no hesitation in saying, that the energies of the philanthropist and the parish officer should be more especially directed to this great object. Mr. Tubbs, the relieving officer of the parish of St. Marylebone, strongly advocates these marriages. In a large number of instances, we are well aware the men will not and cannot marry; but a parish officer meets with many other cases, in which, were persuasion brought well to bear, or could some slight pecuniary encouragement be forthcoming, the father of the child would marry the mother and become a reformed character. The remission of fees by the clergyman has been found very beneficial in certain instances, together with a little advice by those taking an interest in parish matters. I am well aware that some disinclination still exists in the minds of many sensible people, to assist women who have given birth to illegitimate children, but I am not the less sure, that not the least result of the ventilation of "the great social evil question" has been the growth of Christian change in this respect.

THE OCCUPATION OF THE FATHERS.—In the tables of the Registrar-General, no notice of the occupation of the alleged father of the illegitimate child is taken, but through the kindness of Dr. Randall, the medical officer of the Marylebone Infirmary, I am enabled to publish the annexed valuable table:—

infant mortality. I admit that the mortality of infant bastards and their mothers is now very large, that I can conceive its aggravation, not a possible, but, on the contrary, its diminution a certain consequence of any improvement of the circumstances of the latter.

*The OCCUPATION of the FATHERS of the CHILDREN of the SINGLE WOMEN.*

Bakers .....	2	Coachmen ....	3	Keeper of }	1	Shopman .....	1
Blacksmiths ....	2	Collarmaker ....	1	Lunatics.. }		Soldiers.....	7
Bookbinder ....	1	Costermonger ..	1	Labourers.....	20	Solicitor .....	1
Bricklayers ....	8	Dyer .....	1	Lathrender ....	1	Stoker .....	1
Butchers .....	4	Engineers.....	3	Leathercutter ..	1	Surgeon .....	1
Butters .....	2	French Po- }		Ostlers .....	2	Shoemakers ....	3
Cabinetmakers ..	3	lishers .... }	3	Painter ....	4	Stonemasons....	2
Cabmen .....	5	Gardeners.....	2	Policemen.....	2	Traveller .....	1
Carman.....	1	Gasfitter .....	1	Plasterer .....	1	Tailors .....	8
Carpenters ....	11	Gentlemen ....	6	Potmen .....	2	Undertaker ....	1
Carter .....	1	Greengrocer ....	1	Porters .....	4	Upholsterer ....	1
Carver .....	1	Grinder.....	1	Printer .....	1	Whitesmiths....	3
Cigar Makers ..	2	Groom .....	1	Publican .....	1	Unknown .....	13
Clerks .....	6	Hairdresser ....	1	Railway Guard ..	1		
Coachbuilder ..	1	Horsekeeper ....	1	Sailors .....	2	Total .....	180
		Joiner .....	1	Servants .....	17		

These were the fathers of the 180 illegitimate children born in the Workhouse of Marylebone, and 46 of whose deaths figure in the above returns of the Registrar-General. I only offer this table for what it is worth; as indicating, to some extent, the position of the putative fathers of illegitimate children born in workhouses. I have no suspicion of misrepresentation by the woman, because when interrogated she voluntarily gives the address, as well as the position in life, of the father.

As a general rule, few women who could father a child upon a gentleman, come into a workhouse. Such unmarried pregnant women, are usually confined by private practitioners, yet in the above list we find that "6 gentlemen," "1 surgeon," "1 solicitor," were the fathers of illegitimate children born in the workhouse. It appears from the table, that no less than 20 persons, coming under the denomination of "labourers," were the alleged fathers of illegitimate children, which favours the position that the promiscuous herding of the lower classes, contributes largely to corrupt the morals of the female poor. Male domestics next appear as the most numerous class of fathers; this is, quite, what one might expect, and if the specified "3 coachmen," "2 butlers," "2 gardeners," and "1 groom," are added to the list of unenumerated servants, it amounts to 25. Bearing in mind what has been shown in a preceding table, that 194 mothers were themselves domestics, it would appear as though the present system of keeping a large number of single men and women in households, is productive of a considerable proportion of illegitimate children. I next find 13 women stated that the father of their child was unknown. In a few, a very few, of these cases, I admit the female's inability, out of a variety of paramours, to fix upon an individual, but I fancy it much more often happens that a woman in

her first pregnancy declines to indicate the father of her child, either from devoted consideration for his feelings, or in the belief that he cannot afford to pay for her confinement, yet may make her an honest woman by marriage, as soon as he can save a little money. The tenderness, in the first of these cases, is too often undeserved and thrown away, and in the second, the hopes of the victim are too often found delusive.

I have few remarks to make on the occupations of the other fathers—"carpenters (11)," "bricklayers (8)," "tailors (8)," are a class of men receiving good wages, and doubtless decoy women under the pretence of marriage, but should pregnancy supervene, refuse to fulfil their promises. The uniform of the soldier makes him always a dangerous lover, his poor pay will scarcely ever enable him to marry the woman he has seduced. That the clerks of London (6) contribute their share to the whole illegitimate births of the town, I feel pretty well convinced; but I suppose that their mistresses seek not the workhouse for their accouchments. A great outcry has been raised against the policeman, but this return proves that only two mothers have accused the force of being the fathers of their children. They have, it is well known, ample facilities, but it is surprising (that numerous as they are in the northern and western parishes) they seem no more effective against female virtue than sailors. Probably, however, in the eastern parishes the proportions would be varied; although even there his transient visits hardly allow the latter time to be a seducer. I must admit that I was unprepared to find the "cabmen" of London in the latter category, but no less than five are stated to be the fathers of illegitimate children born in the workhouse. Mr. Tubbs thinks it probable, that the fathers described as "cabmen," might have worked the evil attributed to them, in more idle and prosperous days, as gentlemen's servants, driving cabs being often the only available resource for discharged grooms, coachmen, or stable hands.

**FACILITIES FOR AFFILIATION OF THE CHILD.**—You may suppose, that an able and intelligent relieving officer like the Mr. Tubbs I have spoken of, would be enabled to assist a large portion of these 170 women to recover from the fathers of their offspring the usual 1s. 6d. or 2s. 6d. a week for the support of the children, as well as some pecuniary compensation towards the expenses of the parish on account of the lying-in. Such an officer, will however, turning to the Act of Parliament, inform the ratepayers that he is expressly forbidden to interfere in this matter. I will detain you a few minutes while I read a clause which must govern his conduct from the Act 7 and 8 Vict., cap. 101, sec. 7.

"And be it enacted, that it shall not be lawful for any justice of the peace to appoint any officer of any parish or union to have the custody of any bastard child

as hereinbefore provided, or for any officer of any parish or union, clerk of justices, or constable, to receive any money in respect of any bastard child under an order of petty session as aforesaid, or as such officer to conduct any application to make or enforce such order, *or in any way to interfere as such officer in causing such application to be made, or in procuring evidence in support of such application,* under a penalty of forty shillings, to be levied on conviction before any two justices, as penalties and forfeitures under the said first-recited Act: Provided always, that *after the death of such mother*, or if such mother be incapacitated as aforesaid, so often as any bastard child, for whose maintenance such order of petty sessions has been made, becomes chargeable to any parish or union by the neglect of the putative father to make the payments due under the orders of justices, then and in such case it shall be lawful for any Board of Guardians of an union or parish, or if there be no such Board of Guardians, for the Overseers of any parish or place to make such application for the enforcement of the order as might have been made by the mother of such bastard child if alive; but all payments for the maintenance of such child made in pursuance of such application, shall be made to some person to be from time to time appointed by the justices as hereinbefore provided, and on condition that such bastard child shall cease to be chargeable to such parish or union."

Debarred, then, from legal assistance from the parish, during her lifetime, the mother's usual course is to apply to a magistrate, who on the payment of 2*s.* will grant her a summons to be served on the putative father, *if he can be found*. This is however no easy task, particularly in cases when such father (as often happens) has changed his place of abode, and has obtained employment in some distant part of the country, with a view to conceal his whereabouts. Be it moreover understood, that the female must deposit in the hands of the summoning officer, a sum to cover the expense of making these distant enquiries. But supposing the summons served, and the putative father present, the magistrate, provided the mother's statements can be corroborated by other testimony in some material particular, can only adjudge him to pay any sum not exceeding 2*s. 6d.* a week towards the maintenance of the child until it attains its thirteenth year. Magistrates and relieving officers all agree on the hardship of this course, yet in the present state of the bastardy law, there is no alternative, and it is only by the preceding cumbersome machinery, that a seducer can be reached, and then after all, the regular payment of the weekly allowance is by no means secured to the woman by this plan, as no security is taken for it. The man, if so disposed, can walk away, adopt a new hiding place, and set the unfortunate at defiance. The latter may, it is true, again appeal to the magistrate, and he after swearing her that she is not married, that the father has not paid the sum ordered, and the child is still alive, may, on the payment of an additional sum, to cover new expenses, issue his warrant for the apprehension of the recusant. But I would ask, can the majority of mothers be expected to incur the expenses of this ordeal?

The practical working of the present bastardy law is to force the



mother upon the parish for relief. My informant, Mr. Tubbs, tells me, there are now 85 persons receiving the weekly pittance of 1s. each from the parish of Marylebone, because they have not taken the necessary steps, or having taken them, have failed to recover from the fathers of their bastards.

I find, moreover, that on the 1st of January, 1858, that no less than 14,417 children, exclusive of 312 mothers of illegitimate children, were charged under similar circumstances, upon the parochial rates, in 629 unions and single parishes in England and Wales, having a population of 16,628,399 persons, as the following table will show:—

	Illegitimate Children under 16 of Able-bodied Women.	Illegitimate Children under 16, of not Able-bodied Women.
In-door relief .....	8,263	1,082
Out-door relief .....	5,072	....
Total .....	13,335	1,082
Total .....	14,417	

Shamefully small as is the pittance I have referred to, as doled out to the mothers of bastards in the metropolis, can anything be more oppressive than that it should fall at all upon the ratepayers? Can anything be more iniquitous, towards the unfortunate woman, than this system? Should not the Act, which alike debars the relieving officer from assisting the mother, and from procuring the re-imbursement of the charges the parish has been put to, be at once repealed? Mr. Tubbs suggests, that parishes should have the same power given them, of recovering the sums they have expended, from the fathers of illegitimate children, as they now have from the fathers of legitimate ones. Such an enactment would have a healthy tendency in checking seduction and relieving the rates, while at the same time it would remove one of the most crying evils of the present poor law.

From the judicial statistics for England in 1857, I learn that 5,816 men were taken into custody for disobeying bastardy orders, in the year 1857. Of these, 2,860 were discharged, and 2,956 were convicted. Of the latter, 235 were committed for three months and above two, 130 for two months and above one, 143 for one month and above fourteen days, 21 for fourteen days and under; 814 were fined; and 1,610 were punished. From the above alleged facts, it is

probable that the mothers must have enforced the law, for parishes (as I have above shown) could not have interfered.

I cannot leave this part of my subject without recommending the re-enactment of a very beneficial section of the old Poor Law as it stood before its revision in 1834. It was in those days possible, if a pregnant girl came before the parochial authorities indicating the author of her condition, for the parish to take steps, that her accouchment and the rearing of the child, did not fall upon the parish; the latter having power to recover from the father. In any reform of the bastardy laws, the restoration of this clause in some form or other, is, I think, called for. There is, however, another way in which the seducer of a woman can be reached, and society vindicated. Her parent, or relation standing in *loco parentis*, may bring an action for loss of her services, and recover damages, or she herself, supposing seduction has occurred after promise of marriage, may proceed for the breach for that promise. I have lately paid considerable attention to the reported decisions of this kind, and my impression is, that the law, as it at present stands, is quite equal to vindicate the parent as well as outraged public feeling. The only obstacle, to its general employment, is its costliness. Could a summary way be devised, of bringing this form of justice within the reach of the really poor, a great benefit would accrue to society, and the seduction of women, whether effected to please themselves or their paramours, would become a luxurious and expensive rarity. With respect to

THE AGE OF THE MOTHERS.—I am again indebted to the kindness of Dr. Randall for the annexed table.

Two hundred and thirty-three women have been confined during the year 1857, in the midwifery wards of the St. Marylebone Work-house

Of these there were

Married women .....	55
Single , .....	178

Of the single

Between the ages of 17 and 20 there were .....	43
„ „ 21 „ 30 „ .....	123
„ „ 31 „ 40 „ .....	10
Of the age of 13 there was .....	1
„ „ 43 „ .....	1
Total.....	<hr/> 178 <hr/>

From 17 to 30, then, are the 13 years during which woman most frequently yields to temptation. See her safely through them, and she may generally be left to take care of herself, although the table shows that even at the maturity of 43, one woman was not old enough to protect her virtue.

In looking over the tabulated CAUSES OF INFANT BASTARD DEATHS, I have attempted, in vain, to classify the diseases; they are as various as are the causes of death among legitimate infants, and the returns of the Registrar-General cannot enter into all particulars. But if we fail easily to classify the immediate cause of death, no one can read (however hastily) this death list, without noticing such headings as "want of breast milk," "accidental suffocation," "low vitality," "marasmus," "atrophy," "emaciation," "exhaustion from diarrhoea," "gradual wasting from birth," "deprivation of breast milk," "want of maternal nourishment, the mother being ill of small-pox," "accelerated by cold," "suffocated in bed," "lying on its face."

One thing, however, is apparent, and highly important; among all these 392 children, only 16 bore marks of having died of specific disease, namely, syphilis. Of the mothers of these 16, eight were servants, four of occupation not stated, one was a barmaid, one an artificial flower maker, and one a dressmaker.

DEATHS TAKING PLACE IN WORKHOUSES.—Another sad tale is developed in these statistics, for we find that 131 children died in, or were buried from, workhouses. Thus Marylebone workhouse contributed 65, St. Pancras 51, St. George's Southwark, 16.

PROPORTION OF DEATHS AMONG ILLEGITIMATE CHILDREN.—I presume there are few persons, who have given even but cursory attention to the subject of vital statistics, but must have been convinced that the proportion of deaths occurring among bastard children, was very large. What that proportion was, no one up to the present day has been able to surmise, and even now, with the Registrar-General's figures before me, I regret to say, that the exact proportion, even in these parishes of Marylebone and St. Pancras, cannot be exactly ascertained. We may however, from the annexed table, arrive at an approximation which may startle some who for the first time consider the figures.

Districts.	Births.		Deaths.	
	Total, including Illegitimate.	Illegitimate.	Total, including Illegitimate.	Illegitimate.
Marylebone .....	4,921	423	3,854	197
St. Pancras .....	6,337	336	4,055	136
St. George's.....	1,948	118	1,222	59
Total .....	13,206	877	9,131	392

From this table, it would appear, that out of 877 births, 392, that is, nearly half the illegitimate children in these three parishes died. In the parish of St. Saviour's, the proportion is just one-half. Now admitting the truth of these observations, that probably many of the births are not registered, still the mortality is such as the public were not prepared to hear of. It surely deserves further investigation, and should cause the statesman, and the moralist, to consider whether something cannot be done to contract its deplorable extent.

**INQUESTS.**—The cause of death among these children, appears to have been attended, in so many cases, with peculiar and suspicious circumstances, that I find that inquests were held on 40 of them. Of these, 17 were held in the parish of Marylebone, 15 in St. Pancras, 8 in St. George's, Southwark. That the frequency of holding inquests on the bodies of illegitimate children is not confined to London, is proved by some Liverpool returns, showing that in the year 1857, inquests were held on 41 bastard children, and I presume, had I the means at hand, similar statistics could be obtained from all our large cities, showing equally lamentable results of the desperate misery to which the mothers are too often reduced.

Now these inquests being so numerous you will naturally inquire what verdicts were returned, the answer is again given us by that stern enunciator of facts and figures, Major Graham, to whose kindness I am again indebted for the following table, a condensation of a larger one not yet published, which he has placed at my disposal.

*Deaths of Male and Female Children UNDER ONE YEAR OF AGE returned as having occurred in England and Wales from the undermentioned VIOLENT CAUSES in the year 1856.*

	Males.	Females.	Total.		Males.	Females.	Total.
Injury at birth.....	60	44	104	Suffocated bed			
Poison (not distin- } guished) ..... }	5	2	7	clothes, &c. ....	103	103	206
Opium .....	5	8	13	Suffocated, overlaid	32	37	69
Laudanum .....	29	11	40	Murder (not stated)	2	3	5
Godfrey's cordial ....	7	12	19	Manslaughter .....	1	1	2
Drowned .....	8	8	16	Accident (means) ...	4	2	6
„ found .....	22	26	48	Injury (how or			
Strangled .....	6	8	14	what kind),..... }	11	3	14
Suffocated .....	116	107	223	Infanticide.....	29	23	52
„ by food ....	7	1	8	Total .....	447	399	846

It is a frightful list: no less than 846 babies are recorded officially, as hanged, strangled, poisoned, suffocated, and so forth, during the year 1856. The great majority of these we are justified in assuming

were the illegitimate offsprings of first falls from virtue. Babies whose lives *might* have been saved by the hundreds, only no one cared about them. So they are gone with many others to witness against us :—and their mothers are where ?

We may read these figures as we will, but none may deny that they indicate a most awful total of crime. However largely we may allow for accident, I have no doubt that most of these children came by their deaths in the foulest way. The hopeless difficulty of rearing her offspring, and their maddening want and misery,—not the fear of shame, for to that she is obtuse, have in most of these cases caused the mother to raise her hand against the life she has given.

In a certain number of instances detection follows the committal of the crime, and the indignant law officers put on the track of the culprit their official detectives. In proportion as the poor creature has been previously neglected by society is she now hunted down, and her minutest antecedents ferreted out. If there is any part of the criminal law which has received greater attention than another, it is the means of detecting infanticide, but curiously enough, after all this labour, the tests break down, and, whether a child has been born alive or dead, remains, after all the efforts of the counsel and medical men, a question of a very dubious evidence, the prisoner receiving always the benefit of the doubt

The collection of a large number of reports of trials that have actually taken place, shows that juries in the present day—taking into consideration the difficulty of proof—and weighing well the great temptations placed in the path of a woman,—the destitution she has been exposed to from the neglect of the real or supposed father,—the certain degradation that follows the public exposure of her shame, and the almost impossibility of supporting herself and infant,—will waver long before finding a poor creature guilty ; and she either escapes altogether, or her crime is visited only with the punishment of concealment of birth.

That I am not speaking without some authority, let me give in proof the return by the Metropolitan Police, an important document that few of us consult, although it gives a considerable insight into this subject. Thus we find that during the year 1857, eighteen females were taken into custody for concealing the birth of their infants ; eight were discharged by the police magistrates, ten were committed for trial ; of these two were convicted, six were acquitted, two bills not found or not prosecuted. The ages of the committed were, one under 20, six under 25, one under 30, two under 40. The punishments of the two convicted were one month and under six months.

It however appears from another table, that even if a mother murder her child and the crime be brought home to her in the

clearest manner, she by no means undergoes as a matter of course the penalty awarded by the code. During the last twelve months several marked cases of child murder have been proved; those by Mary Jones, tried at Kingston, and Mary Newell, tried at Oxford, may be fresh in public recollection. Both of these women were left for execution: but both of them were, by a merciful legal fiction, reprieved as criminal lunatics. I find that in 1856 five females were imprisoned as criminal lunatics under sign manual warrants from the Secretary of State, for concealing birth and infanticide. Their periods of detention were fixed as follows:—

For 1 year and under .....	2
„ 2 years and above .....	1
„ 5 „ .....	3

I infer, then, that in the present state of society, the pains and penalties against infanticide, strong as they are, cannot be carried into effect; and that the scale of them (like many other portions of our criminal laws) requires revision. The law is inefficacious, inasmuch as it neither punishes nor prevents the crime (the object of all laws); the feeling of the juries, as well as the public, being with the criminal. If a woman wishes to destroy her child, she can do so despite the law. Let me give an instance from the “Times” of August 21st, 1858:—

“Central Criminal Court, August 20, before Mr. Prendergast, Q.C., Rebecca Wells, 22, spinster, was indicted for endeavouring to conceal the birth of her female child. Mr. Orridge prosecuted and Mr. Sleigh defended. The prisoner had previously to the 21st of June been in the service of a lady in Beauvoir Terrace, Stoke Newington, and upon that day the lady, having her suspicions excited, taxed the prisoner with what she thought had occurred, and prisoner did not deny it. The police were then called in, and they found the body of the infant in the pipe of the water-closet. Mr. J. James, of Nelson Terrace, Stoke Newington, surgeon, stated that in his opinion the prisoner had been prematurely and unexpectedly delivered where the child was found. The learned Commissioner said, if that was so there was no case to go to the jury. However wrong the prisoner’s conduct had been, as she had done nothing to dispose of the body, she could not be found guilty of concealing the birth of the child. We might talk about India, but he was sorry to say infanticide was carried on to a great extent in this country, and strong measures should be taken to repress it. Incontinence was one thing and child murder another. The prisoner was then ordered to be discharged.”

I could multiply instances did time allow me. If a woman, says Mr. Wakley, is delivered over a pail of water and the child dropped into the water, no one can say whether or not the child has been wilfully destroyed. Let a woman but place a child (as it appears is often done) in such a position that it shall inhale the same air that it has repeatedly respired, and it dies. Let us hear Mr. Wakley, than whom a better authority cannot be cited, on this MASSACRE OF THE INNOCENTS.

"On the 13th of May last, two inquests were held by that gentleman as Coroner for West Middlesex, upon the bodies of two infants under 8 months, who were suffocated by "carbonic acid gas," arising from inhaling their own breath, by being placed by the mothers under the bedclothes during the night. In the course of such inquiry, the Coroner took occasion to state that the evil of infants being suffocated by the mothers, for want of necessary precaution (not to say ignorance and neglect), was becoming truly alarming. During the last several months the sacrifice of infants, from a month to a twelvemonth old, could scarcely be credited; but he (the Coroner), holding the office he did, was the only one who could speak as to the extent of so serious an evil, as far, at least, as his extensive district was concerned. He had observed that during the winter and cold spring months the mortality of infants from carbonic acid gas, in inhaling their own breath whilst under the bedclothes, was 95 per cent. more than in the summer months. The reason being obvious, as in the latter months the bedclothes were thrown off in a great measure from both parents and infants, so that the latter were able to breathe pure air. He (the Coroner) had been in hopes, from the constant publicity given in the public journals to the prevalence of this evil, that it would be considerably upon the decrease; but he regretted to say that such was not the case. He should, however, persevere in his endeavours, and he earnestly hoped in time, with the assistance of the profession and the press in giving publicity to such cases, to be successful in totally eradicating this deplorable evil."

In conclusion, I beg to observe that it has not been my object on the present occasion to point out the remedies, this has been already done in an appeal that I (in conjunction with my friend Mr. White-horne) have made to the Charity Commissioners, but I may here recapitulate some of my views. I look for remedies, strange though at first sight it may appear, not altogether in the better education of the more exposed class of women, or in higher wages. Desirable as these unquestionably are, they will not, in my opinion, prevent seduction. To cut off the supply of harlotry, the demand must be checked by taking greater precautions than we now do to make the SEDUCER (and this, too, is merely a conventional term) suffer either in person or in purse. I propose the establishment of a Government Board, or other competent authority, whose duty it shall be to take charge of the pregnant woman thrown out of a situation; then to afford her work and assistance until confinement; then to see to her lying-in; and then to take steps to recover damages in the name of injured and outraged virtue and society from the FATHER of the child. In doing this it would be obviously necessary, as at present, to guard against affiliating the child on the wrong person, and to see that the mother did not profit by the money so obtained, for this were no better than opening a regular and profitable market for female honour. The Board suggested should invest the funds so accruing for the keep and education of illegitimate children. Were the institution a recognised and a public one, I think the profession will bear me out that a good proportion of the mothers might be found situations as wet-nurses (for from this source wet-nurses are now procured, but with fear and trembling), and hence have an opportunity of recovering a position in society. The situation of

wet-nurse would be acceptable and open to many thousands of women, were they cared for from the time of their exposure to that of their confinement, a period most trying to the unfortunate, and neglect during which, leads too often to her permanent ill-health, and to the birth of so sickly an infant that the mother loses all chance of being taken as a wet-nurse. Further, I believe that if these women were thus relieved, a large number would be rescued from their position by marriage with their first paramours, when the latter were persons in the same rank of life as themselves. By applying such natural remedies, I think that illegitimacy might certainly be checked, and its sad consequences much softened to the unhappy mothers. I think some such system as the above would be far better than the continuance of the existing Foundling Hospital, which has ceased, I believe, to carry out the true intent and meaning of its founder. With a revenue of the present value of 11,000*l.* a year, and with an assured income within the present century (according to the statements of the Charity Commissioners) of 40,000*l.* a year, this institution so wanders from its legitimate path and from propriety of administration, that each of its inmates costs it nearly 360*l.* before attaining 15 years of age, besides being unhealthy and unnecessarily reared in the atmosphere of the metropolis; and has but a poor start in life after all.

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